

Virginia Department of Education
Title III, Part A, of the *No Child Left Behind Act of 2001*
Consortium Guidance Document
November 2007

Under Section 3114(b) of *No Child Left Behind Act of 2001* (NCLB), a state educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant is less than \$10,000. As stated in the Non-Regulatory Guidance on the Title III State Formula Grant, March 26, 2002, H-2, local education agencies (LEAs) that would not otherwise qualify for a subgrant because they do not qualify for an award of at least \$10,000 may submit a joint application with one or more LEAs to qualify. The purpose of this document is to provide guidance for LEAs that wish to enter into or form a consortium.

What is a consortium?

An LEA that receives a grant under Section 3111(a) may collaborate or form a consortium with one or more LEAs to carry out a program for limited English proficient (LEP) students.

Suggestions for joining a consortium	Suggestions for forming a consortium
<ul style="list-style-type: none">• Contact the Title III office at the Virginia Department of Education (VDOE) to determine if a consortium already exists in your geographic area.	<ul style="list-style-type: none">• Contact the Title III office at the Virginia Department of Education (VDOE) to determine if a consortium already exists in your geographic area.
<ul style="list-style-type: none">• If yes, the VDOE will provide the contact information for the lead LEAs in the potential consortia in your area.	<ul style="list-style-type: none">• If no, the LEA can take steps to form a consortium. Your VDOE contact will provide you with contact information for LEAs in your geographic area.
<ul style="list-style-type: none">• Contact the appropriate lead consortia LEA representatives to determine if their consortium will accept a new member.	<ul style="list-style-type: none">• The division interested in forming a consortium should contact LEAs to determine interest. The combined Title III allocations of all participating LEAs must meet or exceed \$10,000.
<ul style="list-style-type: none">• If the consortium is willing to accept a new member, the lead LEA in the consortium will submit an amendment to the Title III application to add your division to the consortium and include the use of the corresponding Title III funds.	<ul style="list-style-type: none">• One LEA must agree to serve as the lead LEA in the consortium. Participating LEAs should work together to discuss their programmatic needs.
<ul style="list-style-type: none">• The LEA joining the consortium must sign the member certification page included in the Title III application and forward it to the lead LEA. The signed consortium certification is kept on file by the lead LEA.	<ul style="list-style-type: none">• The lead LEA must complete and submit the Title III application on behalf of the consortium. All participating LEAs must sign the consortium member certification page included in the Title III application and forward it to the lead LEA. The signed consortium certification is kept on file by the lead LEA.

What are the benefits of joining a consortium?

LEAs are able to access Title III funds for:

- programs that increase English language proficiency and student achievement in core content classes; and
- high-quality professional development opportunities for classroom teachers, principals, administrators, and other school personnel.

What is the responsibility of the Lead/Fiscal Agent in a consortium?

- The LEA that agrees to serve as the lead in a consortium becomes the fiscal agent.
- The lead LEA is responsible for ensuring that LEAs that are part of the consortium fulfill their fiscal and programmatic responsibilities under Title III, including meeting the Annual Measurable Achievement Objective (AMAO) requirements described in Section 3122 of the *No Child Left Behind Act of 2001*.
- The lead LEA can seek technical assistance from, both for itself and the LEAs in the consortium.

What determines whether a consortium of LEAs meets the Title III Annual Measurable Achievement Objectives (AMAOs)?

Under Section 3122(a)(3), states receiving funds under the Title III State Formula Grant Program must develop annual measurable achievement objectives (AMAOs), which include three components:

1. annual increases in the number or percentage of children making progress in learning English,
2. annual increases in the number or percentage of children attaining English proficiency, and
3. making adequate yearly progress for limited English proficient children as described in Section 1111(b)(2)(B) of Title I, Part A.

The determination of whether a consortium of LEAs meet Title III AMAOs is done in the context of the consortium as a whole. Accountability for meeting the AMAOs as a consortium is determined by the overall performance of the whole entity or group of LEAs that collaborated to form a consortium (Sections 3114(a), 3122(b), and 3141). The educational performance of all the participating LEAs is aggregated at the consortium level to determine if the eligible entity meets the AMAOs. [Letter from USED, April 2005]

An SEA must aggregate the data from all LEAs in a consortium to determine if the consortium as a whole met each of the Title III AMAOs. [Memorandum from USED, March 2006]

When does a consortium need to submit a Title III Improvement Plan?

All Title III funded LEAs, including a consortium of LEAs that do not meet AMAO targets for two consecutive years, must develop an improvement plan (Section 3122(b)(2)). This improvement plan must address the factors that prevented the subgrantee from meeting AMAO targets. [Memorandum from USED, March 2006]

The Title III improvement plan should include the following components:

- Goals for improvement
- How the goals will be implemented
- Timeline for implementation
- How the implementation will be monitored

How should parents of Limited English Proficient (LEP) students be notified if the consortium fails to meet their AMAOs?

Under the parental notification requirements in Section 3302, an eligible entity that fails to meet the AMAOs in any year is required to notify the parents of LEP students served under Title III of that failure. In a consortium, the fiscal agent must ensure that such notice is provided to parents. The fiscal agent may either delegate this responsibility of each of the LEAs in the consortium, or the fiscal agent may choose to notify all the parents of the LEP children served by the consortium. [Memorandum from USED, March 2006]